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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/028,290	12/28/2001	Roman D. Halko	20002.0227	2669

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EXAMINER

HUNTER, ALVIN A

ART UNIT	PAPER NUMBER
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3711

DATE MAILED: 07/16/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/028,290

Applicant(s)

HALKO ET AL.

Examiner

Alvin A. Hunter

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 28 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4-16 and 31 is/are allowed.
- 6) ☒ Claim(s) 1,2,17,18 and 20-29 is/are rejected.
- 7) ☒ Claim(s) 3,19 and 30 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Specification*

1. The disclosure is objected to because of the following informalities: On page 5, line 1, "3IS-C hardnesses" should read --JIS-C hardnesses--.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 17, 18, 20-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kato et al. (USPN 5976034).

Kato discloses a multi-layered golf ball having high initial velocity at low head speed regions and excellent flight performance (See Abstract). The golf ball comprises a solid core, intermediate cover, thread layer formed on the intermediate cover, and outer cover (See Abstract). The solid core has a diameter of 23 to 37mm, which is equivalent to 2.3 to 3.7 cm (See Abstract). The thread layer is made of common material known within the art such as natural rubber or/and synthetic polyisoprene (See Column 5, lines 1 through 17). The intermediate cover and the outer cover are both made of thermoplastic materials, in which it is noted that the cover composition may contain epoxy groups (See Column 3, lines 43 through 67; and Column 4, lines 1

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through 7). The intermediate cover and outer both preferably have a Shore D hardness of 40 to 80 (See Column 4, lines 8 through 33). It is also noted that the thread layer has a thickness of 1 to 5mm and if the thread layer is less than 1mm that the shot feel is affected (See Column 5, lines 1 through 17). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to reduce the thickness of the thread layer less than 1mm in order to obtain the desired shot feel through the process of routine optimization. Furthermore, it would appear that the use of a thermoset material for the intermediate layer and/or the cover of the golf ball, as claimed by the applicant, would be a matter of design choice being that the applicant does not state why having at least one of or both the intermediate layer and cover is critical to the invention.

3. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cavallaro et al. (USPN 5688191) in view of Kato et al. (USPN 5976034).

Cavallaro et al. discloses a multi-layer golf ball having the click and feel of the conventional wound ball and the durability and distance of a two-piece golf ball (See Column 3, lines 32 through 36). The ball comprises a core with one or more mantle layers, and at least one cover layer (See Abstract). The core may be liquid-filled or solid with an elastic thread wound around it, in which the liquid-filled core comprises a shell with the liquid injected into it with the thread wound around the shell (See Column 5, lines 44 through 54). It would appear that the shell may be considered as an intermediate layer. The cover layer comprises at least one layer made of the thermosetting or thermoplastic material. Cavallaro et al. does not disclose the thread

layer being of the group as stated in claim 29 of the present application. Kato discloses that threads used for thread layers commonly known in the art are threads such as natural rubber or synthetic polyisoprene and noted that properties such as good shot feel are inherent within the conventional thread wound golf ball (See Abstract and Column 5, lines 1 through 17). If the conventional thread wound golf ball inherently has good shot feel, one would assume that the conventional golf ball also utilizes threads commonly known within the art to achieve such shot feel. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have a thread layer made of natural rubber or synthetic polyisoprene, as taught by Kato et al., in order to give the golf ball good feel which is considered inherent within conventional thread wound golf balls.

***Allowable Subject Matter***

Claims 4-16 and 31 are allowed.

Claims 3, 19, and 30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alvin A. Hunter whose telephone number is 703-306-5693. The examiner can normally be reached on Monday through Friday from 7:30AM to 4:00PM Eastern Time.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Sewell, can be reached on (703) 308-2126. The fax phone number for the organization where this application or proceeding is assigned is 703-308-7768.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.



Paul T. Sewell  
Supervisory Patent Examiner  
Group 3700